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TO RUEHC/SECSTATE WASHDC PRIORITY 0953
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 000514

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E.O. 12958: DECL: 04/11/2028
TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [VE](#)
SUBJECT: UPDATE ON MONICA FERNANDEZ; OUTLINES LEOPOLDO
LOPEZ'S CANDIDACY STRATEGY

REF: A. CARACAS 00267
[1](#)B. CARACAS 00073

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Classified By: ACTING POLITICAL COUNSELOR DANIEL LAWTON
FOR REASON 1.4 (D)

[1](#)1. (C) Summary. Former judge and director of the judicial NGO Foro Penal Monica Fernandez has resumed her work schedule following an attempt on her life in January. She told Poloff April 7 that the Bolivarian Republic of Venezuela (BRV) has not shown interest in investigating the attack against her. Fernandez serves as Chacao Mayor Leopoldo Lopez's legal advisor in his efforts to contest an administrative sanction that could impede him from running for the Caracas mayoral seat in November. Foro Penal and lawyers in the case against three former commissioners accused of ordering police officers to fire on demonstrators during the events of April 2002 will meet with the OAS representative in Venezuela on April 11 to discuss the BRV's actions against opposition figures. End Summary.

Up and Running Again

[1](#)2. (C) Monica Fernandez appears healthy and has resumed a busy schedule after recovering from what she believes was an attempt on her life earlier this year. On January 5, Fernandez and boyfriend Javier Herrera, a Chacao police officer, were approached by two armed individuals in what appeared to be an attempted robbery or kidnapping. Herrera was armed and killed one of the attackers. Herrera and Fernandez suffered bullets wounds during the altercation. The second assailant drove-off with Fernandez and freed her a few miles from the incident. The attacker later abandoned Fernandez's vehicle and did not steal money or the couple's personal belongings. Both Fernandez and Herrera were hospitalized after the incident. Fernandez, a harsh critic of the government, believes the attackers were hired to kill her but aborted the plan following the shootout.

[1](#)3. (C) Fernandez told Poloff she receives phone calls and e-mails from an anonymous person claiming to know details about the attack. According to this person, the individual who Herrera killed was released from a Venezuelan prison in December 2007 and given money and resources to plan Fernandez's murder. Fernandez told Poloff she is disinclined to request police protection because she does not trust them. Moreover, she says the Attorney General's Office has not initiated an investigation into the incident. (Note: In

December 2007 Fernandez was absolved of ordering the arrest of Ramon Rodriguez Chacin during the events of April 2002 under President Chavez's partial amnesty decree. End Note).

On Leopoldo Lopez

¶4. (C) Fernandez outlined Chacao Mayor Leopoldo Lopez's strategy to dispute an administrative sanction that could impede him from running for the Caracas mayoral seat in November. First, the mayor's team will argue that Articles 42 and 65 of the Venezuelan Constitution stipulate that a person can only be barred from running for public office following a judicial ruling. That has not occurred in Lopez's case but rather the Comptroller's Office placed an administrative sanction on him in 2005 for redirecting earmarked funds (Ref. A). If that approach fails, Fernandez will contend that the sanction can be activated only after his term in office expires. Under this scenario Lopez would register as a candidate during his term as mayor. If he won the Caracas mayoral seat he would simply transfer from one job to another without being affected by the sanction. As a last resort, Fernandez said Lopez's team would apply political pressure on the BRV. She believes making Lopez a victim of the BRV's machinations is making him a more popular candidate.

April 11 Events

¶5. (C) Fernandez also told Poloff she and lawyers in the Simonovis, Vivas, and Forero case will meet April 11 with the OAS' representative in Venezuela to discuss the government's persecution of political opponents since the events of April 2002 (Ref. B). The date marks the sixth anniversary of

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Chavez's temporary removal from power. (Note: Former Caracas Metropolitan Police Commissioners Ivan Simonovis, Henry Vivas, and Lazaro Forero are accused of ordering police officers to fire on demonstrators on April 11, 2002. The eleven defendants in the case are standing trial for three deaths. End Note).

¶6. (C) Comment. Fernandez appears to be in good spirits despite the attack against her. Although she was absolved under the partial amnesty law, she remains highly critical of the lack of judicial independence in Venezuela. While her arguments to contest Lopez's administrative sanction are legally sound, there is no indication that the BRV is willing to back down from its position, whether it's on Lopez's case or the 400 other individuals in the same predicament. End Comment.

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